

REMARKS

Claims 19-30 and 62-77 are currently pending in the present application.

In the Office Action dated December 1, 2006 the Examiner indicated the allowance of claims 19-30 (it is noted that the Examiner included claim 18 as allowable, but claim 18 was previously cancelled). In response to that Office Action, solely in order to expedite prosecution, claims 1 and 2-17 were cancelled without prejudice/disclaimer to the subject matter embodied thereby. In the current office action, the Examiner newly rejects claims 19-30 based on the same prior art that was applied to claims 1 and 2-17. As a result, pending claims 62-77 are the same as canceled claims 1 and 2-17. For the Examiner's convenient reference, below is a table providing correspondence between those claims and new claims 62-77.

Prior Status	Current Status
Claim 1 (Previously Presented)	Claim 62 (New)
Claim 2 (Cancelled)	N/A
Claim 3 (Previously Presented)	Claim 63 (New)
Claim 4 (Previously Presented)	Claim 64 (New)
Claim 5 (Previously Presented)	Claim 65 (New)
Claim 6 (Previously Presented)	Claim 66 (New)
Claim 7 (Previously Presented)	Claim 67 (New)
Claim 8 (Previously Presented)	Claim 68 (New)
Claim 9 (Previously Presented)	Claim 69 (New)
Claim 10 (Previously Presented)	Claim 70 (New)
Claim 11 (Previously Presented)	Claim 71 (New)
Claim 12 (Previously Presented)	Claim 72 (New)
Claim 13 (Previously Presented)	Claim 73 (New)
Claim 14 (Previously Presented)	Claim 74 (New)
Claim 15 (Previously Presented)	Claim 75 (New)
Claim 16 (Previously Presented)	Claim 76 (New)
Claim 17 (Previously Presented)	Claim 77 (New)

Below are Applicant's response the new § 112 rejection, the rejection of claims 1-17 (pending claims 62-80) from the December 1, 2006 Office action and the rejection of claims 19-30 from the current office action.

Claim Rejection – 35 U.S.C §112

Claims 19-30 have been rejected under 35 U.S.C §112, first paragraph, as failing to comply with the enablement requirement. Namely, the Examiner alleges that while Claims 19, 20, 21, and 23-30 recites “a playback unit” and “image produced by multiple playback units,” “it is unclear how one playback unit can be enabled to be multiple playback unit.” (See Office Action, pg. 2). This rejection is respectfully traversed.

Just because the preamble of claims 19, 20, 21, 23-30 each recite “A playback unit” does not necessary limit the elements of the playback unit to “one playback unit” as alleged by the Examiner. In fact, this interpretation is contrary to substantial case precedent holding that it is improper to interpret the article “a” as one or single.

Moreover, claims 19, 20, 21, 23-30 do not recite “a playback unit” comprising “multiple playback units” as interpreted by the Examiner. Rather, claims 19, 20, 21, 23-30 each recite a “prescribed transformation” that has certain attributes. Specifically, claims 19, 20, 21, 23-30 each recite a “means for imparting a prescribed transformation *to the video image for warping the video image in a manner, and by an amount, not readily visible to a viewer.*” Also, the prescribed transformation is “*such that a composite video image produced by multiple video playback units will be distorted and the distortion of the composite video image can be seen by the viewer.*” In other words, the claims do not require multiple playback units; it is the attributes of the prescribed transformation claimed.

Figure 4 of the present application illustrates an exemplary embodiment of such a playback unit – Player 1, Player 2, or Player n, etc. Page 36, line 21 through page 37, line 4 describes each playback unit providing the prescribed transformation claimed.

Accordingly, claims 19, 20, 21, 23-30 are in full compliance with the enablement requires. Withdrawal of the rejection is respectfully solicited.

Claim Rejection – 35 U.S.C §103

Claims 19, 20, 21, 23-30 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Rhoads (U.S. Patent No. 6,363,159) in view of Saito (U.S. Patent No. 6,182,218) and further in view of Chaum (U.S. Patent No. 5,959,717). This rejection is respectfully traversed.

The Examiner addresses claims 19, 20, 21, and 23-30 in one-shot by asserting that claims 20, 21, and 23-30 are in parallel with claim 19 and therefore are rejected for the same reasons. However, the treatment of the claims is improper and ignores the differences among the claims. In fact, a substantial number of different elements recited by claim 20, 21, and 23-30 have been ignored. Below is a table listing some of the differences among the claims and the Examiner's treatment of those elements.

Claim	Recitation	Treatment
Claim 19	“said warping changes with time during playback of the video image.”	Addressed at pg. 4 of current office action.
Claim 20	“said warping is selected randomly from among a plurality of mapping functions pre-stored in a playback unit.”	Never addressed by the office action.
Claim 21	“the image is warped by compressing spacing between pixels in one direction and expanding spacing in another direction.”	Never addressed by the office action.
Claim 23	“said warping is defined by a geometric transformation.”	Never addressed by the office action.
Claim 24	“said warping is derived by backward warping of a two-dimensional geometric transformation of said video image.”	Never addressed by the office action.
Claim 25	“said warping is performed by a three-dimensional transformation of said video image.”	Never addressed by the office action.
Claim 26	“said warping is described by a linear	Never addressed by the office

Claim	Recitation	Treatment
	function.”	action.
Claim 27	“said warping is described by a quadratic function.”	Never addressed by the office action.
Claim 28	“said warping is described by a spline function.”	Never addressed by the office action.
Claim 29	“means for applying a motion vector to pixels of said video image for image transformation.”	Never addressed by the office action.
Claim 30	“means for performing different image transformations in different regions of said video image. “	Never addressed by the office action.

It is respectfully submitted that the combination of Rhoads in view of Saito and further in view of Chaum fails to disclose or suggest the features of the claims listed in the table above. Also, the Examiner has previously indicated that many of these features recited in previously pending claims 3-17 were allowable and it is believed that the same status should apply. At least for these reasons, withdrawal of the rejection of Claims 19, 20, 21 and 23-30 is respectfully solicited. Should the Examiner maintain the rejection of any of claims 19, 20, 21, 23-30, it is respectfully requested that the Examiner specifically point out where the corresponding elements listed above are disclosed or suggested by the combination of the references.

Furthermore, claim 19 is distinguishable from the Rhoads in view of Saito and further in view of Chaum.

In the office action, the Examiner admitted that Rhoads does not disclose or suggest the feature of claim 19 of “a decoder for decoding the encoded data stream” but relies on Saito at column 8, lines 15-18, in an attempt to overcome this deficiency. Applicant disagrees.

Column 8, lines 15-18, of Saito provides:

- 15 The sub-system comprises an environmental sub-system for performing emulation of other operating system and graphics displaying, and a core sub-system such as a security sub-system, and an application program.

The citation of Saito merely describes a sub-system for graphics displaying. However, such disclosure does not teach “a decoder for decoding the encoded data stream” as suggested by the Examiner. Moreover, Chaum fails to cure this deficiencies.

Furthermore, the Examiner admits that Rhodes does not disclose or suggest “means for imparting a prescribed transformation to the video image for warping the video image in a manner, and by an amount, not readily visible to a viewer such that a composite video image produced by multiple video playback units will be distorted and the distortion of the composite video image can be seen by the viewer, wherein said warping changes with time during playback of the video image,” but relies Chaum in an attempt to obviate these deficiencies of Rhoads. Applicant disagrees.

Chaum discloses a system to prevent surreptitious in-theater filming of a projected film by means of a video camera synchronized to the framing rate of the film. For theft deterrence, Chaum discloses that a motion picture may be provided in two parts--a film component and a video component. The film component may have a selected portion--a "protection area"--of selected frames omitted. Conversely, a video projector is provided with a video signal that provides image content for the protection area omitted from the film version of the motion picture. Copy protection is improved because a thief would have to steal both components in order to display a complete motion picture. However, it would not be possible to record both images as displayed on the screen because a video camera records a fixed frame rate. As a result, non-perceptible distortions would be in Chaum during the instance the video is recorded.

Chaum fails to cure the deficiencies of Rhoads because it fails to disclose or suggest “...imparting a prescribed transformation to the video image for warping the video image in a manner, and by an amount, not readily visible to a viewer.” In fact, the video feed taught by

Chaum is never warped by an amount not readily visible by a viewer. It follows that Chaum fails to disclose or suggest “said warping changes with time during playback of the video image,” as claim 19 recites.

Moreover, Chaum fails to cure the deficiencies of Rhoads because it fails to disclose or suggest “...imparting a prescribed transformation...such that a composite video image produced by multiple video playback units will be distorted and the distortion of the composite video image can be seen by the viewer.” On the contrary, the playback devices in Chaum, a film and movie projector, yield a distortion free video image.

The Examiner is directed to MPEP § 2143.03 under the section entitled "All Claim Limitations Must Be Taught or Suggested," which sets forth the applicable standard for establishing obviousness under § 103:

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (citing *In re Royka*, 180 USPQ 580 (CCPA 1974)).

In the instant case, the pending rejection does not "establish *prima facie* obviousness of [the] claimed invention" as recited in claim 19 because the proposed combination fails to disclose or suggest the "all the claim limitations" standard required under § 103.

Additionally, there is no motivation to combine these references. The motivation cited by the Examiner of “to enforce digital rights management systems” has been taken out of context. Chaum does not discuss digital rights management systems nor does Chaum pertain to multiple audio or video data streams. Instead, Chaum is directed towards the prevention of motion picture copy protection via the use of playback devices, a film and movie projector. The differences between such projectors and the techniques in Rhoads for embedding auxiliary data in a video signal and subsequently attempting to extract that data to authenticate the video signal

are substantial. In fact, none of the cited references impart “a prescribed transformation to the video image for warping the video image in a manner, and by an amount, not readily visible to a viewer such that a composite video image produced by multiple video playback units will be distorted and the distortion of the composite video image can be seen by the viewer.” In other words, one of ordinary skill in the art would never consider to apply the standard movie and film projectors discussed in Chaum to the teachings of Rhoads and Saito, to practice the invention of claim 1. Hence, the motivation provided by the Examiner is wholly insufficient.

The arguments with respect to elements of claim 19 that are common to claims 20, 21 and 23-30 apply to those claims as well. Because all issues have been addressed and presumably overcome, withdrawal of the rejection of claims 19, 20, 21 and 23-30 is respectfully solicited.

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In the office action dated December 1, 2006, Claim 1 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Rhoads in view of Saito and further in view of Chaum (the same combination of prior art cited against Claims 19, 20, 21 and 23-30 addressed above). This rejection is respectfully traversed with respect to new claim 62 for the reasons explained below. It is also noted that the Examiner had indicated that claims 3-17 were allowable pending incorporating into then claim 1. Applicant presumes that the status of corresponding claims 63-77 remains the same.

In the December 1, 2006 office action, the Examiner admitted that Rhoads does not disclose or suggest the feature of claim 1 of “utilizing a playback device for playing out information in the audio or video data stream during the playing by the playback unit” but relies on Saito in an attempt to overcome this deficiency. Applicant maintains the same positions of record with respect to the improperness of this combination.

Furthermore, the Examiner admits that Rhodes does not disclose or suggest “[s]uch that audio or video information produced by combining multiple audio or video data streams corresponding to said information, from different playback units will be perceptibly distorted” but relies Chaum in an attempt to obviate these deficiencies of Rhoads. Applicant disagrees.

The description in Saito pertaining to URLs relied on by the Examiner does not evidence “utilizing a playback device for playing out information in the audio or video data stream during the playing by the playback unit” as claim 1 recites. Rather, FIG. 1 in Saito shows a structure of an operating system into which the digital content management program is embedded. This operating system comprises an executive which works in a kernel mode which cannot be operated by the user, and a sub-system which works in a user mode which can be operated by the user. The executive includes a virtual memory manager, an object manager, an LPC (Local Procedure Call) function, a process manager, a security reference monitor, an I/O manager and a digital content management program which manages the digital content. Accordingly, storing, copying or transferring the digital content is carried out by the digital content manager managing the I/O manager. However, Saito is completely silent on “utilizing a playback device...,” as recited above. Moreover, Chaum fails to cure these deficiencies.

Chaum fails to cure the deficiencies of Rhoads because it fails to disclose or suggest “[s]uch that audio or video information produced by combining multiple audio or video data streams corresponding to said information, from different playback units will be perceptibly distorted.” Rather, Chaum discloses a system to prevent surreptitious in-theater filming of a projected film by means of a video camera synchronized to the framing rate of the film. For theft deterrence, Chaum discloses that a motion picture may be provided in two parts--a film component and a video component. The film component may have a selected portion--a

"protection area"--of selected frames omitted. Conversely, a video projector is provided with a video signal that provides image content for the protection area omitted from the film version of the motion picture. Copy protection is improved because a thief would have to steal both components in order to display a complete motion picture. However, it would not be possible to record both images as displayed on the screen because a video camera records a fixed frame rate. As a result, non-perceptible distortions would be in Chaum during the instance the video is recorded. However, Chaum fails to disclose or suggest "[s]uch that audio or video information produced by combining multiple audio or video data streams corresponding to said information, from different playback units will be perceptibly distorted." On the contrary, the playback devices in Chaum, a film and movie projector, yield non-perceptibly distorted audio and video.

The Examiner is directed to MPEP § 2143.03 under the section entitled "All Claim Limitations Must Be Taught or Suggested," which sets forth the applicable standard for establishing obviousness under § 103:

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (citing *In re Royka*, 180 USPQ 580 (CCPA 1974)).

In the instant case, the pending rejection does not "establish *prima facie* obviousness of [the] claimed invention" as recited in claim 1 because the proposed combination fails to disclose or suggest the "all the claim limitations" standard required under § 103.

Additionally, there is no motivation to combine these references. The motivation cited by the Examiner of "to enforce digital rights management systems" has been taken out of context. Chaum does not discuss digital rights management systems nor does Chaum pertain to multiple audio or video data streams. Instead, Chaum is directed towards the prevention of motion picture copy protection via the use of playback devices, a film and movie projector. The

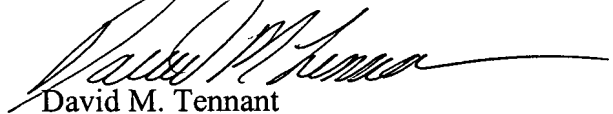
differences between such projectors and the techniques in Rhoades for embedding auxiliary data in a video signal and subsequently attempting to extract that data to authenticate the video signal are substantial. In fact, none of the cited references alter or affect "audio or video information produced by combining multiple audio or video data streams corresponding to said information, from different playback units will be perceptibly distorted." In other words, one of ordinary skill in the art would never consider to apply the standard movie and film projectors discussed in Chaum to the teachings of Rhoads and Saito, to practice the invention of claim 1. Hence, the motivation provided by the Examiner is wholly insufficient.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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